

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | ML | 15/08/2018 |
| Planning Development Manager authorisation: | AN | 16/8/18 |
| Admin checks / despatch completed | SB | 17/08/18 |

Application: 18/00786/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr Jeff Strachan
Address: Four Oaks Green Lane Walton On The Naze
Development: Proposed 4 no. dwellings - amendments to approved scheme 15/00965/FUL

1. Town / Parish Council

Frinton & Walton Town
Council

AMENDED PLANS
Approval

2. Consultation Responses

Tree & Landscape Officer

The site layout does not contain any information relating to soft landscaping. There is sufficient space for new planting and a clear opportunity to soften, screen and enhance the appearance of the development.

New shrub or hedge planting should be carried out of the rear boundary fence line of the gardens serving each property and should include tree planting ' at least one tree in each property.

Low level planting should be carried out to the front of the proposed dwellings.

The Design and Access Statement make reference to soft landscaping and it details are not secured prior to the determination of the application then this should be secured by condition.

ECC Highways Dept

AMENDED PLANS

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- 1 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m straight for the first 10m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- 3 Prior to the proposed access being brought into use, a 1.5m. x

1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

4 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

5 The development shall not be occupied until such time as the allocated car parking spaces for 8 vehicles has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

6 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

7 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

8 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

3. Planning History

| | | | |
|--------------|---|----------|------------|
| 02/01992/FUL | Chalet bungalow | Approved | 23.12.2002 |
| 09/00750/FUL | Erection of 1 no. detached two storey dwelling and construction of vehicular access. | Approved | 29.09.2009 |
| 09/00905/FUL | Erection of 9 no. dwellings (consisting of 2 no. 2 bedroom and 1 no. 3 bedroom dwellings fronting Green Lane and 6 no. two bedroom dwellings adjacent to existing Lifeboat Museum); associated car parking and garaging following demolition of | Refused | 04.11.2009 |

| | | | |
|-----------------|---|----------|------------|
| | Four Oaks and Viking Cottage; Alteration to existing vehicular accesses. | | |
| 12/00498/FUL | Erection of 8 dwellings. | Refused | 09.07.2012 |
| 12/00911/FUL | Erection of a detached two storey dwelling (Extension of time on previously approved 09/00750/FUL). | Approved | 18.10.2012 |
| 12/01001/FUL | Erection of 6 dwellings and detached garage building. | Approved | 15.01.2014 |
| 14/01037/DISCON | Discharge of Condition 10 (mitigation strategy) and Condition 11 (bat survey) of approved planning permission 12/01001/FUL. | Approved | 28.08.2014 |
| 15/00965/FUL | Erection of 4 new dwellings (incorporating the variation of design and layout of plots 4-6 under planning permission 12/01001/FUL with associated works and one new dwelling). | Approved | 05.08.2015 |
| 18/00786/FUL | Proposed 4 no. dwellings - amendments to approved scheme 15/00965/FUL | Current | |

4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site measures 0.2 hectares and is located within the defined settlement limits of Walton. The site extends from Green Lane southwards towards the sea front. The site is prominent from the sea front public footpath and from Green Lane. The site is outside the flood risk area. The character of the area is predominantly residential, although the Old Lifeboat House is situated immediately to the south-west and is now a museum.

Proposal

This application proposes alterations to the 4 no. dwellings approved under planning permission 15/00985/FUL including changes to the rear elevation (sea facing) to incorporate inset balconies within the gables and other alterations to the fenestration, changes to the parking layout and the removal of an integral garage to the front elevation (facing Green Lane). The two lower side elements have decreased in height by 0.5m but have been made 0.7m longer at ground floor level only.

The height and footprint of the 3 storey element remain as approved in 2015.

Planning History

A planning application to develop the site for 9 dwellings was refused permission in 2009. A revised application for 6 dwellings (3 to Green Lane and 3 to the rear) was approved in 2014. A further planning application to increase the 3 dwellings to the rear to 4 dwellings was approved in 2015 under reference 15/00965/FUL.

The 2015 permission noted above has since been implemented and works on site have commenced.

Appraisal

Principle of Development

The principle of siting 4 dwellings within the rear section of the application site was established under the planning approval 15/00965/FUL. The site is located within the settlement development boundary of Walton as defined in both the saved and emerging local plans and is not situated within a flood risk zone.

Design/Layout

The changes to the scheme approved in 2015 are minor in nature and do not materially alter the size and position of the building nor the relationship of the development to surrounding buildings.

The rear elevation (sea facing) has been altered to include glazed inset balconies within the gables at second floor level. This change does not harm the overall appearance of the development and is in keeping with other examples of seafront properties in the vicinity.

To the front elevation (facing Green Lane) the changes are minor and relate solely to style of openings and the removal of an integral garage. The changes to the parking layout involve the removal of garage buildings and open parking bays with supplementary landscaping. This change would result in a minimal impact to the character of the surrounding area as the parking is situated centrally within the plot away from public vantage points.

During the course of the development the Lifeboat Museum to the south-west of the site has been granted Grade II Listed status. However, the development proposed would not be any closer to the Lifeboat Museum than the implemented 2015 scheme and the closest side element would be 0.5m lower than previously approved. Consequently, the development would not result in any additional harm to the setting of listed building than the previously implemented scheme.

Overall the changes to the development are minor and would not result in the development appearing materially different to the previously approved development. The overall ridge height of the main section of the building would remain the same as previously approved as would its overall length and depth.

Each of the 4 new dwellings would be served in excess of 100sqm of private amenity space, which meets the requirements of the saved local plan policy.

Highways/Parking

The application originally showed the development being accessed via a narrow access route to the south-west of the site. Following objections from ECC-Highways the original access from Green Lane has been proposed. Consequently ECC-Highways have no objections subject to the following conditions;

- Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m straight for the first 10m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.
- Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.
- The development shall not be occupied until such time as the allocated car parking spaces for 8 vehicles has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.
- Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority.
- The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

In regard to parking, each dwelling would be served by 2 spaces of a size commensurate with the current parking standards. The parking provision therefore accords with the requirements of the parking standards.

Residential Amenities

The previous approval concluded that the impact upon surrounding resident's amenity would be acceptable. The plans show that the side element closest to no. 1 Eastcliffe would be sited between 1.9m and 5.4m off the side boundary, however the building is located a significant distance down the garden serving this property and away from the rear elevation of the property where loss of outlook and light deprivation would not result in an adverse impact.

No windows directly overlook the most private parts of the neighbouring garden and the same conditions applied previously in regard to overlooking/privacy concerns will be re-applied.

The development would therefore not adversely impact upon the residential amenity of local residents.

Trees/Landscaping

The Council's Tree/Landscaping Officer provides the following comments;

The site layout does not contain any information relating to soft landscaping. There is sufficient space for new planting and a clear opportunity to soften, screen and enhance the appearance of the development.

New shrub or hedge planting should be carried out of the rear boundary fence line of the gardens serving each property and should include tree planting 'at least one tree in each property. Low level planting should be carried out to the front of the proposed dwellings.

A landscaping condition will be secured via condition.

Other Considerations

Frinton & Walton Town Council recommends approval.

A number of objection letters have been received most of which were submitted prior to the submission of amended plans showing the access reverted back to Green Lane and other elements of the scheme being altered back including the removal of roof terraces and windows facing into neighbour's gardens.

Overall 11 interest parties have provided representations outlining the following points;

- no dimensions on the drawings and no level details to show impact upon listed building adjacent to the site (drawings are scaled and therefore measurements can be identified - a detail site levels condition will be attached to the approval).
- retrospective application and work has commenced on site and should be stopped (enforcement investigation confirms that development has been implemented in accordance with the 2015 approval).
- poor access via narrow footpath which is dangerous for pedestrians (upon objections from local residents and ECC-Highways amended plans have been submitted showing the access reverting back to Green Lane).
- overlooking from balcony facing north-west and proximity of building to garden area (conditions will be applied to ensure glazing to the balcony is obscured and the distance to the neighbouring property is as previously approved).
- roof terraces cause overlooking (now omitted from the scheme)
- encroachment of fencing on land (not a material planning consideration).

6. Recommendation

Approval

7. Conditions

- 1 Within 3 months of the date of this planning permission precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The application site is publicly visible and therefore suitable materials are required in order to maintain the character of the area.

- 2 Within 3 months from the date of this planning permission a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction", shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall then be implemented no later than the first planting season following the approval of the scheme (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 3 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 4 Within 3 months of the date of this planning permission precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to any of the hereby approved dwellings being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 5 No site clearance or construction work shall take place on the site on Sundays or public holidays. On all other days no site clearance or construction work shall take place on the site outside of the following times:

0700 - 1900 on Mondays to Fridays
0800 - 1300 on Saturdays

These restrictions shall apply throughout the site clearance and construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity.

- 6 Within 3 months from the date of this planning permission details of the existing and proposed levels of the site, finished floor levels, and roof height relative to neighbouring

properties at 1 Eastcliffe Cottages, 48 Hall Lane and The Old Lifeboat House, and identifying any areas of cut or fill, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the development is first occupied.

Reason - In order to ensure that the development safeguards the setting of neighbouring buildings, in the interests of visual amenity and the character and appearance of the area.

- 7 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m straight for the first 10m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 9 Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 10 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 11 The development shall not be occupied until such time as the allocated car parking spaces for 8 vehicles have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 12 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 13 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 14 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the balcony glazing screen to the first floor present within the north-eastern facing side elevation of the development shall be constructed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of the adjoining property at No.1 Eastcliffe Cottage.

- 15 The flat roof areas present to the two-storey side elements of the hereby approved development shall not be used for terrace/sitting out areas at any time.

Reason - To protect the privacy and amenities of the occupiers of the adjoining property at No.1 Eastcliffe Cottage.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing nos. 17.1623.11B, 17.1623.2B, 17.1623.3D, 17.1623.4C, 17.1623.6C, 17.1623.7C and 17.1623.9C.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | <input checked="" type="radio"/> NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | <input checked="" type="radio"/> NO |